

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-28182 of 2016

Date of decision : 07.09.2016

Amarnath @ Happy

... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.S. Budhwar, Advocate
for the petitioner
Ms. Dimple Jain, AAG Haryana
Mr. C.S. Rana, Advocate
for the complainant

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 218 dated 19.04.2015 registered at Police Station Jagadhri City, District Yamuna Nagar under Sections 302/34 IPC.

Learned counsel for the petitioner contends that the petitioner is in custody since 24.04.2015. He further states that charge has been framed and 9 witnesses out of 15 witnesses have been examined. He further states that charges were framed under Section 306 IPC thereafter as an alternative also under Section 302 IPC. He further states that marriage is over six years old and there are two daughters and the youngest girl is eight months old and an application under Section 319 Cr.P.C. has been moved and the trial will take time.

The bail application is opposed by learned counsel for the complainant as well as State.

Learned State counsel has stated that incident took place at 3.50 p.m.

Learned counsel for the complainant states that application under Section 319 Cr.P.C. had been dismissed and they have preferred a revision.

The trial has been delayed and it may take some more time and the

petitioner is in custody for almost 1 ½ years. There are two minor girls who are now with the grand mother.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

September 07, 2016
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(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking **Yes/No**

Whether Reportable **Yes/No**